

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No.  
04-12126 EFH

\*\*\*\*\*

**WILLIAM FOLEY,**  
Plaintiff,

v.

**ALCATEL USA, INC.,**  
Defendant,

\*\*\*\*\*

**PLAINTIFF'S MOTION TO COMPEL THE PRODUCTION  
OF DOCUMENTS**

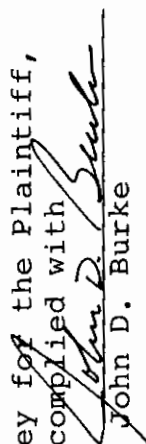
Now comes the Plaintiff, William Foley, and respectfully moves this Honorable Court, pursuant to Rule 37(a)(2)(A) of the Federal Rules of Civil Procedure and Local Rule 37.1, to order the Defendant, Alcatel USA, Inc. to produce documents responsive to his First Request for Production of Documents numbered 1-43.

In this regard, the Defendants have refused to produce any documents responsive to his First Request for Production of Documents or any documents identified in Defendant's Rule 26(a)(1)(B) "Initial Disclosures", unless Plaintiff executes an unacceptable "Protective Order".

For the foregoing reasons, as well as those set forth in the accompanying Memorandum of Law and Proposed Order, the Plaintiff respectfully requests that the Court grant his Motion to Compel and order:

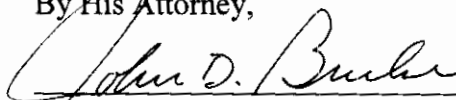
1. Paragraph 5 of the Defendant's proposed "Protective Order" stricken; and

Local Rule 37.1(B) Certificate - I, John D. Burke, attorney for the Plaintiff, certify that the provisions of Local Rule 37.1 have been complied with

  
John D. Burke

2. That the Defendant shall, within fourteen (14) days, produce documents responsive to Plaintiff's First Request for Production of Documents numbered 1-43; and
3. That the Defendant shall, within fourteen (14) days, produce documents identified in its "Initial Disclosures" dated April 22, 2005; and
4. The Defendant produce a privilege log compliant with the Plaintiff's "Definitions and Instructions" within fourteen (14) days.

For the Plaintiff,  
**WILLIAM FOLEY,**  
By His Attorney,

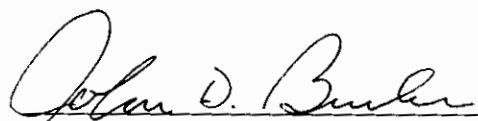
  
John D. Burke, BBO #556951  
Dumont, Morris & Burke  
14 Beacon Street  
Suite 300  
Boston, Massachusetts 02108  
(617) 227-7272

August 23, 2005

#### CERTIFICATE OF SERVICE

I, John D. Burke, attorney for the Plaintiffs, certify that this document was served upon counsel for the Defendant, T. Christopher Donnelly and Sharan Goolsby, by U.S. Mail, postage prepaid, on August 23, 2005.

Signed under oath.

  
John D. Burke